

APR 29 2008

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-1849

**ROBBIN GRAHAM, aka
ROBBIN LEA GRAHAM**
2850 Main Street, Suite 12, #148
Susanville, California 96130

A C C U S A T I O N

Vocational Nurse License No. VN 226615

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

Vocational Nurse License

2. On or about March 29, 2007, the Board issued Vocational Nurse License Number VN 226615 ("license") to Robbin Graham ("Respondent"), also known as Robbin Lea Graham. The license will expire on November 30, 2008, unless renewed.

STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any

1 reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing
2 Practice Act.

3 4. Code section 118, subdivision (b) provides, in pertinent part, that the
4 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary
5 action during the period within which the license may be renewed, restored, reissued or
6 reinstated. Under Code section 2892.1, the Board may renew an expired license at any time
7 within four years after the expiration.

8 5. Code section 2878 states, in pertinent part:

9 The Board may suspend or revoke a license issued under this chapter [the
10 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of
the following:

11 (f) Conviction of a crime substantially related to the qualifications,
12 functions, and duties of a licensed vocational nurse, in which event the record of
the conviction shall be conclusive evidence of the conviction.

13 6. Section 2878.5 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the
15 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

16 (b) Use any controlled substance as defined in Division 10 of the Health
17 and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic
18 beverages, to an extent or in a manner dangerous or injurious to himself or herself,
any other person, or the public, or to the extent that the use impairs his or her
19 ability to conduct with safety to the public the practice authorized by his or her
license.

20 COST RECOVERY

21 7. Code section 125.3 provides, in pertinent part, that the Board may request
22 the administrative law judge to direct a licentiate found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

25 FIRST CAUSE FOR DISCIPLINE

26 (Criminal Conviction)

27 8. Respondent has subjected her license to discipline under Code section
28 2878, subdivision (f), in that on July 16, 2007, in the Superior Court, County of Lassen,

1 California, in the case entitled *People of the State of California vs. Robbin Lea Graham* (Super.
2 Ct., Lassen Cty., 2007, Case No. CR024520), Respondent was convicted by the court on her plea
3 of guilty of violating Vehicle Code section 14607 (knowingly permit her child under the age of
4 18 years to drive a motor vehicle upon a highway without a license), an infraction, and Penal
5 Code section 647, subdivision (f) (unlawfully in a public place under the influence of
6 intoxicating liquor or drug or their combined influence, in such condition that she was unable to
7 exercise care for her own safety and the safety of others and interfere with, obstruct, and prevent
8 free use of street, sidewalk and other public way), a misdemeanor. The circumstances of the
9 crime are that on or about March 18, 2007, Respondent telephoned her home from a bar where
10 she had been drinking and instructed her unlicensed 15 year old son to drive the family vehicle to
11 a specific location and wait. Respondent told him she would meet him at the designated location
12 so he could drive her home because she was too intoxicated to drive. Respondent's 15 year old
13 son drove, as instructed by Respondent, to the designated meeting place, and brought with him
14 his 11 year old brother. When Respondent arrived at the meeting place, she was arrested for
15 being drunk in public and allowing an unlicensed minor to drive.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Use Alcoholic Beverages to an Extent or in a Manner Dangerous** 18 **or Injurious to Herself or Others)**

19 9. Respondent has subjected her license to discipline under Code section
20 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that on or about March 18,
21 2007, and January 28, 2002, Respondent used alcoholic beverages to an extent or in a manner
22 dangerous or injurious to herself or others, as alleged in paragraphs 8 and 10.

23 **FACTORS IN AGGRAVATION**

24 10. On October 15, 2002, in the Superior Court, County of Lake, California, in
25 the case entitled *People of the State of California vs. Robbin Lea Graham* (Super. Ct., Lake Cty.,
26 2002, Case No. CR30044-01), Respondent was convicted by the court on her plea of guilty of
27 violating Vehicle Code section 23153, subdivision (a) (did unlawfully, while under the influence
28 of an alcoholic beverage and a drug and under their combined influence, drive a vehicle and in so

1 driving, concurrently did an act forbidden by law and neglected a duty imposed by law which
2 proximately caused bodily injury to Markus G. and Daniel D. The circumstances of the crime
3 are that on January 28, 2002, while under the influence of an alcoholic beverage, Respondent
4 drove a vehicle with her minor children as passengers and was subsequently involved in a single
5 vehicle accident. On or about March 16, 2007, the Board issued a warning letter to Respondent
6 acknowledging the October 15, 2002, conviction, that stated in part: "Future substantial reports
7 that you have engaged in similar behavior or otherwise violated the law or regulations governing
8 your practice as a vocational nurse may result in disciplinary action against your license."

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
12 Technicians issue a decision:

- 13 1. Revoking or suspending Vocational Nurse License Number VN 226615,
14 issued to Robbin Graham, also known as Robbin Lea Graham;
- 15 2. Ordering Robbin Graham, also known as Robbin Lea Graham to pay the
16 Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the
17 investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: April 29, 2008
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23 TERESA BELLO-JONES, J.D., M.S.N., R.N.
24 Executive Officer
25 Board of Vocational Nursing and Psychiatric Technicians
26 Department of Consumer Affairs
27 State of California
28 Complainant

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